

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	:
	:
PLAINTIFF,	:
	:
v.	:
	CIVIL ACTION NO. 2:05cv1086-W
	:
EIGHTY THOUSAND SIX HUNDRED	:
THIRTY-THREE DOLLARS	:
(\$80,633.00) IN UNITED STATES	:
CURRENCY;	:
FOUR THOUSAND EIGHT HUNDRED	:
SEVENTY-EIGHT DOLLARS	:
(\$4,878.00) IN UNITED STATES	:
CURRENCY; AND,	:
THIRTY-SIX THOUSAND FIVE	:
HUNDRED DOLLARS (\$36,500.00)	:
IN UNITED STATES CURRENCY,	:
	:
DEFENDANTS.	:

RESPONSE TO SHOW CAUSE ORDER

The United States of America (United States), by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, hereby respectfully responds as follows to this Court's order:

1. On February 1, 2006, Claimants<sup>1</sup> filed their Request for Production of Documents. On February 8, 2006, this Honorable Court ordered the United States to show cause why said request should not be granted.

2. Claimants have based their request upon the Federal Rules of Criminal Procedure, various Amendments to the United States Constitution and a series of cases relating to criminal discovery and procedure.

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<sup>1</sup>The motion is filed on behalf of "the defendant." The actual defendant in this civil case is the currency. The individuals asserting a claim against the defendant currency are more properly styled as the claimants and shall be referred to as such hereinafter.

3. This is a civil case and, as such, the rules regarding criminal discovery and the case law affecting same are not applicable. The rules of civil procedure regarding discovery are applicable to this case and discovery should be conducted thereunder. The request is premature in that no discovery plan has been made in accordance with Rule 16(f) of the Federal Rules of Civil Procedure and Rule 26(d) of the Federal Rules of Civil Procedure states that a party may not seek discovery before having conferred in accordance with Rule 26(f).

4. Filing the request is also violative of Rule 5.1 of the Local Rules of the United States District Court for the Middle District of Alabama for Civil and Criminal Cases (Local Rules). Rule 5.1(a) states that requests for production shall not be filed except by order of the court.

5. For the reasons cited, the motion should be denied.

Respectfully submitted this 9<sup>th</sup> day of February, 2006.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2006, I electronically filed the foregoing Response to Show Cause Order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Joe Morgan Reed.**

/s/John T. Harmon  
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